

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

SARA RANDALL, on behalf of COREY)
RANDALL,)
Plaintiff,)
vs.) Case No. 3:23-cv-279-DWD
COMMISSIONER OF SOCIAL)
SECURITY,)
Defendant.)

MEMORANDUM & ORDER

DUGAN, District Judge:

Before the Court is Plaintiff's Motion and Affidavit to Proceed *In Forma Pauperis* (Doc. 3). Such a motion may be granted if Plaintiff proves indigence by submitting an affidavit that includes a statement of assets and a showing of an inability to pay fees or security. *See 28 U.S.C. § 1915(a)(1)*. The Court shall deny Plaintiff's motion and dismiss the action if the allegation of poverty is untrue or the action is frivolous or malicious, which means Plaintiff cannot make a rational legal or factual argument to support the claims. *See id. § 1915(e)(2)(A), (B)(i); Ledbetter v. Commissioner of Social Security*, No. 20-912, 2020 WL 6395491, at *1 (S.D. Ill. 2020).

Here, based on the affidavit, the Court is satisfied that Plaintiff is indigent. Plaintiff has a biweekly take-home pay of \$1150, but only \$50 in savings and approximately \$2772 in monthly expenses. (Doc. 3, pgs. 1-2). Further, the record does not suggest Plaintiff's claims are frivolous or malicious. Therefore, the Court **GRANTS** Plaintiff's Motion to

Proceed *In Forma Pauperis*. The Court emphasizes that it may dismiss this action, at any time, if the action is deemed frivolous or malicious. *See* 28 U.S.C. § 1915(e)(2)(B)(i).

If Plaintiff wishes for the United States Marshal to serve process, then Plaintiff shall provide the United States Marshal with a summons issued in this case, completed USM-285 forms, and sufficient copies of the Complaint (Doc. 1). The Court **DIRECTS** the United States Marshal, upon receipt of those documents, to serve a copy of the summons, Complaint, and this Order on Defendant, the United States Attorney for the Southern District of Illinois, and the Attorney General of the United States, pursuant to Federal Rule of Civil Procedure 4(c)(3) and in the manner specified by subsection (i)(1) & (2) of that rule. Costs of service shall be borne by the United States.

SO ORDERED.

Dated: January 30, 2023

s/ David W. Dugan

DAVID W. DUGAN

United States District Judge